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1 2 3 4 5 6 7 United States District Court 8 Eastern District of California 9 10 11 Larance Andy Smith, 12 13 Petitioner, No. Civ. S 98-1312 EJG PAN P Order 14 vs. 15 Ernie Roe, Warden, 16 Respondent. 17 -000-18 Pursuant to the appellate court's judgment filed January 17, 2006, petitioner's conviction is vacated with prejudice, the 19 20 application for a writ of habeas corpus is granted and respondent 21 immediately shall release petitioner. 22 So ordered. 23 Dated: 1/31/06 /s/ Edward J. Garcia EDWARD J. GARCIA, JUDGE 24 25 26